

Loyalty programs

Are they worth By Philip M. Stern the risk?



PHILIP M. STERN

Were the loyalty probes of J. Robert Oppenheimer and others during the McCarthy era simply "aberrations of a less enlightened time, now passed"? Definitely not, says Philip M. Stern in his new book "The Oppenheimer Case: Security on Trial." Stern says, "The use of the loyalty-security program is a thing of today . . . (where) Everyman is becoming the government's agent, the eyes and ears of the national police force."

Below is an excerpt from the book.

In the years immediately following World War II, the U.S. government asserted a power it had never before claimed or exercised on a governmentwide basis in peacetime: the power to investigate the private lives and political beliefs and affiliations of its citizens and, from its findings, to appraise their "loyalty."

The public justification given for the 1947 loyalty program centered around the fear that disloyal federal employees would compromise secret information. In 1953, with the promulgation of the Eisenhower security program, the protection of secrets became the paramount consideration in the investigation and screening of federal employees. As recently as 1967 the Justice Department official in charge of internal security declared that the protection of secrets remained virtually the exclusive purpose of the personnel-security-screening system. Ostensibly it was the central factor in the case of J. Robert Oppenheimer. Both Oppenheimer's harshest critic, Lewis Strauss, and his lone AEC defender, Henry DeWolf Smyth, described the case that way.

YET, SURPRISINGLY little of the testimony taken at the hearing board — a board headed by Gordon Gray, president of the University of North Carolina — bore directly on Oppenheimer's secret-keeping ability (enough, however, to lead the board to conclude that he had "unusual ability to keep . . . vital secrets"). By contrast, a substantial part of the testimony dealt with Oppenheimer's opinions — on such matters as continental defense, the Vista report and the

second lab. Those opinions could be considered relevant to Oppenheimer's discretion with secrets only if one entertained a scandalous possibility — that his beliefs sprang from an allegiance to a foreign power, an allegiance that might impel him to betray his country. But the Gray board verdict ruled out that possibility with its unanimous affirmation of Oppenheimer's loyalty.

THE OPPENHEIMER CASE was by no means exceptional. Many others were charged as security risks for having little or no connection with the protection of secrets. Soon rather bizarre factors were considered relevant to a person's eligibility for government employment. Here are examples of charges filed against federal employees in security cases in the '50s:

- Belonging to a "radical group" that had been "extremely critical of the American Legion and of other laws and institutions."
- Seconding a motion at a community meeting that "the Bible should be burned and start building from there."

- Having "close and continued association with your parents" — who had belonged to some "radical" organizations.

- Having purchased books from a certain bookstore that was not even alleged to be subversive but was cited merely as the "possible" successor to the Washington Book Shop (cited at one time as a Communist organization by the attorney general).

AND IT WASN'T LONG before representatives of the federal government began to

security inquiries, began asking questions such as these:

- Have you ever made statements about the "downtrodden masses" and "underprivileged people"?

- What do you think of female chastity?

- Is it proper to mix white and Negro blood plasma?

- How many times did you vote for Norman Thomas? How about Henry Wallace?

- What were your feelings at that time concerning race equality?

DURING THE 1950s the loyalty-security-screening process quickly spread beyond the federal realm. States and cities discovered that they, too, had secrets to be protected, or, at any rate, decided that it was important for them to be sure of the loyalty of their employees.

The State of New York, for example, classified as "sensitive" the jobs of scientists in the Paleontology Section of the Department of Education, on the ground that they had knowledge about the location of certain caves suitable for defense storage purposes. The City of New York suspended a washroom attendant who had been a Communist Party member in the 1930s.

The State of Indiana insisted on satisfying itself concerning the loyalty of wrestlers to whom it was issuing licenses; Texas was similarly concerned about pharmacists and the District of Columbia about those receiving licenses as piano dealers.

IT WOULD BE COMFORTING to dismiss the above as aberrations of a less enlightened time, now passed. But the problem cannot be thus dismissed. The use of the loyalty-security program—and other government powers as well—to penalize unorthodox opinions is not a thing of the past. It is a thing of today.

Even more ominous, governmental power is increasingly invoked outside of the loyalty-security program to penalize officially unpopular opinions. Critics of the Vietnam war and of the draft are the prime targets for these federal actions.

In mid-1969, the Navy brought charges of sedition (punishable by death) against a sailor, Roger Priest, for his off-duty writing and publication of an antiwar newspaper, highly critical of, among other things, the chairman of the Joint Chiefs of Staff. So seriously did the Navy take the sailor's activities that it enlisted the aid of the Washington (D.C.) Sanitation Department to make a "special pickup" of Priest's trash, for naval inspection, and assigned no fewer than 25 investigators to follow his activities. One investigator acknowledged that at a workshop addressed by Priest at an anti-

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